

*W.P.(MD)No.21554 of 2024*

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Reserved On : 17.12.2024

**Delivered On : 19.03.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.21554 of 2024**

**and**

**W.M.P.(MD)Nos.18216 and 21987 of 2024**

K.Manikandan

... Petitioner

Vs.

1.The District Collector/Inspector of Panchayat,  
Karur,  
Karur District.

2.The Block Development Officer,  
Karur Panchayat Union,  
Karur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in Na.Ka.No.A2/0100/2022, dated 27.08.2024, as illegal and quash the same.

For Petitioner

: Mr.J.Senthil Kumaraiah

For Respondents

: Mr.P.Veera Kathiravan,  
Additional Advocate General  
Assisted by Mr.S.Kameswaran,  
Government Advocate



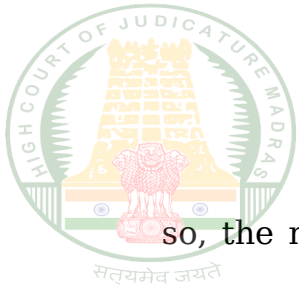
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## **ORDER**

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Challenging the impugned order passed by the first respondent in Na.Ka.No.A2/0100/2022 dated 27.08.2024, this Writ Petition is filed.

2.The petitioner was elected as President of Nerur South Village Panchayat in 2019. He is a member of the AIADMK party. During 2021, there was a change in the State Government. Following which, the Vice President and other ward members of the ruling party did not cooperate with the functioning of the petitioner. The Vice President colluded with the second respondent and had fraudulently entered the ruling party members' names in the attendance register of Mahatma Gandhi National Rural Employment Guarantee Scheme (hereinafter to be mentioned as MGNREGS), of 100 days employment work and insisted the petitioner to approve the said list. Agitated by the same, the petitioner lodged a complaint before the jurisdictional police station. He also lodged complaints as against the ruling party members as to the illegal acts pertaining to land smuggling. However, no action was taken as against his complaint. In addition to that, the second respondent frequently changed the Panchayat Clerk as many as 7 times much to the difficulty of the proper administration of the Village Panchayat. Whenever the Panchayat Clerk acted against the Vice President, immediately at his instance the respective Panchayat Clerks were transferred. While being



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so, the members of the ruling party made as many as 19 complaints as against the petitioner based on fabricated incidents. None of the public have lodged any complaint as against the petitioner. On 28.04.2023 invoking Section 203 of the Tamil Nadu Panchayat Act, 1994, the first respondent passed an order handing over the right of the Village Panchayat financial transaction to the second respondent. The petitioner immediately challenged the same before this Court in W.P.(MD)No.15311 of 2023 and this Court, by order dated 28.06.2024, passed an order setting aside the impugned order of handing over the right of financial transaction of the Village Panchayat to the second respondent.

3.Pursuant to the same, enquiry notice was issued to the petitioner on 29.07.2024, calling upon to give his explanation. In the meanwhile, salary to the OHT operators, sanitary and other workers for the month of June and July 2024 was delayed and on 01.01.2024 onwards, pipeline, electric motor, street light maintenance charges were also not paid due to the absence of Village Panchayat Clerk. In this regard, the petitioner submitted a representation on 08.08.2024, to the respondents, but no action was taken. In the meanwhile, the petitioner submitted a detailed written explanation on 20.08.2024, for the notice caused upon him on 29.07.2024. On 27.08.2024, the first respondent passed the impugned order, issuing cheque signing power to the second respondent and the same was received by the petitioner on 29.08.2024. Claiming the same to



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be a non-speaking order, this Writ Petition is filed.

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4.The learned counsel appearing for the petitioner categorically submitted that the District Collector is not at all empowered to take away the cheque signing power of President and Vice President of the Village Panchayat in exercise of power under Section 203. The power under Section 203 is mandated only under extraordinary circumstances. The power to sign cheques is statutorily conferred on the President and Vice President of the Village Panchayats and the same cannot be abridged by the District Collector by acting as an extra constitutional authority and on that basis, claimed that the impugned order is bad in the eye of law and the same will not stand the scrutiny of law and pressed for allowing the Writ Petition by setting aside the impugned order.

5.Per contra on the basis of the counter affidavit filed by the second respondent, the learned AAG submitted that the petitioner was elected as President of Nerur South Village Panchayat in the year 2019. All the arguments made by the learned counsel for the petitioner and the contents in his affidavit regarding political pressure given to him to join the ruling party is without any iota of evidence. The petitioner had failed to execute his duties properly and only to camouflage the same, the petitioner is raising politically coloured allegations against the respondents. The second respondent had received as many as 14



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complaints against the petitioner stating that in Nerur South Panchayat Council of Karur district, the basic needs of the public such as supply of hygienic drinking water, maintenance of street lights, provision of drainage, cleaning of drains and maintenance of sanitation were not duly taken care of and the same are in stake. Further, the learned AAG contended that the petitioner is continuously refusing to sign the expense slips for paying the wages of the Panchayat Secretary, Pump Operator and sanitary workers and further he also pointed out that he is requiring the female site manager to his home to sign the pay list of MGNREG scheme. On 28.04.2023, the first respondent invoking Section 203 of the Tamil Nadu Village Panchayats Act, 1994, passed an order withdrawing the cheque signing power of the petitioner and handed over the same to the second respondent. However, the petitioner filed W.P.(MD)No.15311 of 2023, in which this Court by order dated 28.06.2024, allowed the same on the ground that notice was not issued before passing the aforesaid order and further granted liberty to the Inspector of Panchayat to take appropriate action as per law.

6.Pursuant to the same, the first respondent had caused an enquiry notice vide Memorandum in Na.Ka.No.A2/0100/2022 dated 29.07.2024. On receipt of the same, the petitioner had submitted his explanation on 20.08.2024 and 08.08.2024. The learned AAG categorically contended that only after considering all the materials, the first respondent has



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passed the impugned order dated 27.08.2024. He further pointed out that during the pendency of the petition in W.P.(MD)No.15311 of 2023, the petitioner had made late payment of wages for the month of May 2024 to the sanitary guards, OHT operators and sanitary workers working in his panchayat. It is also contended that the petitioner had delayed in issuing OTP (One Time Password) and signing expenditure slip form 19 for paying salary for the month of June 2024 to the panchayat employees, computer operator and promoters working in outsourcing mode. The first respondent directed to block the panchayat account No.2 and report the same, but the petitioner did not block the panchayat account No.2 till date.

7.It is also pointed out that the petitioner had refused to sign form 30 from May 2024 onwards, which is an income and expenditure statement to be submitted to the District Collector every month. It was also submitted that the petitioner refused to sign the application even after four months from the date of grant of administrative permission by the district to install new street lights under All Grama Anna Revival Scheme. It was further contended that the petitioner claimed to have repaired the electric motor in the panchayat without submitting proper documents forcing the union overseer to approve the list. Another allegation against the petitioner is that he had refused to give consent to the beneficiaries of the Kalaingar Dream House Scheme approved in the



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special village council meeting held on 02.07.2024.

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8.It was categorically contended that the petitioner had ignored the telephone complaints made by the public regarding repair of drinking water, street lights and disturbed the public by not carrying out any maintenance of street lights and drinking water. It was also contended that the petitioner had refused to sign e-NMR work attendance register of beneficiaries under MGNREG scheme. Having failed to carry forward his work properly, the petitioner cannot blame the Panchayat Clerk for delayed payment of salaries to the panchayat workers without any evidence. Further, on 01.08.2024, the petitioner had quarrelled with the in-charge Panchayat Secretary using abusive language and also threatened him, as a result of which a First Information Report in Crime No.281 of 2024 under Sections 296(b) and 351(2) of BNS 2023, came to be registered by the Vandal Police Station, at Karur. The learned Additional Advocate General submitted that only because of the maladministration of the petitioner, the impugned order came to be passed and the same need not be interfered with and pressed for dismissal of Writ Petition.

9.Heard the learned counsel on either side and carefully perused the materials available on the record.



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10.No doubt, the petitioner is the elected President of Nerur South Village Panchayat, who was elected in the year 2019. On 28.04.2023, the first respondent invoking the powers under Section 203 of the Tamil Nadu Panchayat Act, 1994, for the maladministration of Nerur Village Panchayat had taken away the right of financial transaction from the petitioner and handed over the same to the second respondent. Challenging the same, the writ petitioner has filed a Writ Petition in W.P. (MD)No.15311 of 2023 dated 28.06.2024. This Court, by order dated 28.06.2024, disposed of W.P.(MD)No.15311 of 2023, setting aside the impugned order dated 28.04.2023, pointing out the fact that the said impugned order was not proceeded by any notice to the petitioner and for having violated the principles of natural justice proceeded to set aside the impugned order and with the liberty to the Inspector of Panchayat to take action as per law. Pursuant to the same, the second respondent by his memorandum dated Na.Ka.No.R2/100/2022 dated 29.07.2024, required the petitioner to submit his explanation for the various issues of maladministration cited in the aforesaid memorandum within 15 days from the date of receipt of the same from the petitioner.

11.The crux of the various charges for which explanation was sought for is as follows:-

*"i.Until today, the Panchayat President of Nerur (South)*



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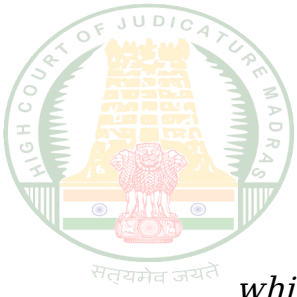
*panchayat has not fulfilled the basic needs of the public, has not paid wages to the panchayat employees on time, and has delayed in implementing the government schemes, the concerned Panchayat Secretary and Zonal Sub-Block Development Officer have complained in the following details in the letter which can be seen in attachment 3, Karur Block Development Officer has stated.*

*ii.OTP was given in delay for the purpose of granting salary to sanitation workers, OHT operators and other employees of panchayat.*

*iii.Delay in issuing OTP and signing the Expenditure Slip Form 19 till the date of payment of wages to panchayat employees, outsourced computer operator and promoters for the month of June 2024.*

*iv.District collector has informed to freeze the Panchayat A/c no. 2 and submit report, but the form required to freeze A/c has not been signed till date.*

*v.The Panchayat president stated that essential drinking water and street light services for the public and products and equipment for sanitation workers should be procured from local shops and distributed and to submit a list of the same. However, after the completion of the works, the approval for the list was denied.*



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vi. Refusing to sign Form 30 from May 2024 onwards, which is an income and expenditure statement that has to be submitted to the district collector every month.

vii. Refusal to sign the application even after four months have passed since the administrative permission was granted by the district collector to install new street lights under the Anaithu Grama Anna Marumalarchi Scheme.

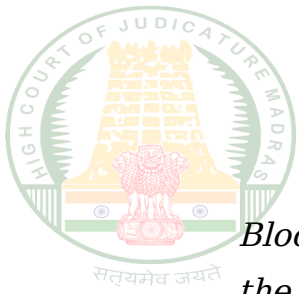
viii. Nerur (South) panchayat president claiming to have repaired electric motors in the panchayat without submitting the necessary documents and getting sign from the union overseer and forcing him to approve the list.

ix. Ignoring phone calls made by the public regarding water supply repair, street light repair, and disturbing the public by not carrying out street light and water supply maintenance works.

x. Special meeting held on 02.07.2024 wherein he refused to sign the approval for sanctioned beneficiaries of Kalaingar Kanavu Illam Scheme.

xi. Refusing to sign in E-NMR attendance register of beneficiaries of Mahatma Gandhi National Rural Employment Guarantee Scheme.

xii. The Regional Deputy Block Development Officer and

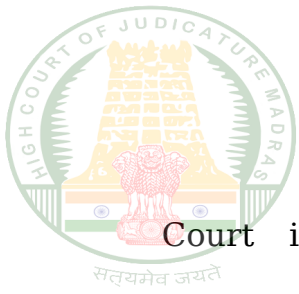


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*Block Development Officer have been showing indifference to the Nerur (South) panchayat president several times directly and over the phone to fulfill the needs of the public and to speed up the implementation of government projects.’*

12.In response to the said notice, the petitioner duly submitted his elaborate explanation in writing through registered post on 20.08.2024. Further, a representation was also sent by the petitioner to the first respondent on 08.08.2024, to revoke the impugned order, by which the cheque signing power of the petitioner has been given to the second respondent. The claim of the petitioner is that without considering the petitioner's explanation and without incorporating the merits of his explanation, the impugned order without any application of mind, came to be passed taking away the cheque signing power of the petitioner and handing over the same to the second respondent and the same is nothing but a non-speaking order, since the petitioner's explanation has not been considered by the authorities. On that basis, it is the contention of the petitioner that the impugned order is bad in the eye of law and the same should go.

13.The question as to whether the District Collector is empowered to take away the cheque signing power of the President and Vice President of a Village Panchayat by invoking the powers under Section 203, the Tamil Nadu Panchayat Act, 1994, is no more *res integra*. This



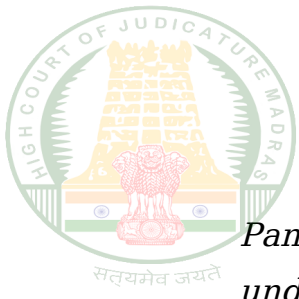
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Court in the case of **Lokeshwari v. the District Collector,**

**Tiruchirappalli and others** reported in **2013 2 CTC 846**, has dealt with a similar case and had passed a favourable order to the Village Panchayat President therein, thereby quashing the similar impugned order passed by the District Collector in the aforesaid case and the relevant portion of the same is extracted as follows:-

*“17. The powers conferred upon the Collector under Section 203 is not intended to act as an authority to take disciplinary proceedings against the President or Vice President. The Government wanted the activities of the Panchayats to be taken up emergently, without obtaining formal orders from the Panchayat or executive authority. In case the Collector is of the view that the execution of a particular work is imminent or the doing of a particular thing is necessary for the safety of the public, it is open to him to take up such works without the association of the panchayat or executive authority. A careful reading of Section 203, in the light of Section 86 of the Act, would make the position very clear that the power is intended to exercise only in emergency.*

*18. In case emergent action is necessary, and it is not practically possible to obtain the sanction of the village panchayat or the panchayat union council, it is open to the executive authority or the Commissioner to execute such work and to pay the expenses of executing such work out of the village panchayat fund or the panchayat union fund, as the case may be. The emergency power conferred on the executive authority or the Commissioner under Section 86 of the*



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*Panchayat Act is also given to the Inspector of Panchayats under Section 203 of the Act.*

*19. Section 37 of the Tamil Nadu District Municipalities Act and Section 203 of the Tamil Nadu Panchayat Act deals with emergency powers conferred on the District Collector to take emergent action in certain urgent situations. Such powers should be treated only as extraordinary powers. Powers of this nature cannot be exercised in a routine manner to deny the legally elected members of the Panchayat from exercising statutory powers conferred on them by the Tamil Nadu Panchayat Act, 1924 and the related orders issued by the Government.*

*20. The District Collector cannot act as an extra constitutional authority over democratically elected President and Vice President of the Panchayat. In case the elected President or Vice President indulges in acts of misuse of authority and the cheque signing power should be taken away, it is for the legislature to incorporate appropriate provisions to confer such express powers of suspension on the District Collector.*

*21. The Collectors are very often exercising this power to take away the cheque signing powers of the President and Vice President. The power to sign cheque is a statutory power conferred on the President and Vice President under Sub-Section (3) of Section 188 of the Act. The President and the Vice President are under the general control of the village*



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*panchayat. The statutory power given to the President of the Panchayat or Vice President cannot be taken away by the Inspector of Panchayat, by exercising the emergency powers. Since the cheque signing facility is given by the statute, there should be a specific power conferred upon the Inspector of Panchayats to take away such power. So long as there are no specific provisions to take away the cheque signing power of the President or Vice President, the Collector cannot invoke incidental or emergent powers to divest the elected representatives of their statutory right.*

*22. The Inspector of Panchayats is given power under Section 205 of the Act to remove the President from office. Similar powers are given under Section 206 of the Act for the purpose of removal of Vice President. Sub-Section (b) of Section 205(1) of the Act gives authority to the Inspector of Panchayats to take action against the President of Panchayat, in case it is made out that the President abused the power vested in him. In case it is made out that the President abused the cheque signing power, and misappropriated the public funds, the same can be a valid reason to initiate action for removal under Section 205 of the Act.*

*23. The President is an elected representative of the people of the village. The Constitution and the Panchayat Act wanted to give financial powers to the local body and it was only for the said purpose, the legislature has vested the executive authority on the Panchayat. The Legislature has given the cheque signing power to the President and Vice President. The cheques have to be signed jointly by the*



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*President and Vice President and in the absence of the President or Vice President, as the case may be, by another member authorized by the village panchayat. Such a power cannot be taken away by the District Collector lightly by invoking the emergency powers.”*

14.A writ appeal preferred as against the judgment of this Court in Lokeshwari case came to be dismissed by the Hon'ble Division Bench of this Court in W.A.(MD)No.1113 of 2013, by order dated 06.06.2017. In yet another case in W.P.(MD)No.4589 of 2015, this Court has dealt with a similar case and the relevant portion of the aforesaid order dated 30.09.2015 is extracted here under:-

*“15. Further, in S. Udayakumar vs. District Collector-cum- Inspector of Panchayats, Tuticorin district, Tuticorin (2009 (5) MLJ 537), the learned Single Judge of this Court has observed as under:-*

*‘22. The power given to the Collector or Inspector was an emergency power to do certain acts in the interest of the panchayat. It was not an ordinary power to interfere in the affairs of the village panchayat. In case the village panchayat President or Executive Authority makes default in performing any of the duties imposed by or under the provisions of the Act, the Inspector was given powers under Section 204 of the Act to take appropriate action. The Collector or Inspector was not obliged to use the emergency powers as a routine measure. There was nothing mentioned in Section 203 of the Act which authorises the Collector to divest the President of his cheque signing powers during the pendency of a proceeding under*



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*Section 205 of the Act. The President would be divested of his powers only in the event of an order passed under Section 205(11) of the Act. Unless and until a notification was issued under Section 205(11) of the Act, the President has to be permitted to exercise his powers as a President of the panchayat. The charge against the petitioner was not something related to his failure to sign the cheque along with the Vice President. The charges were acts of misappropriation warranting action under Section 205 of the Act. By way of the impugned proceeding, the Collector, in exercise of the powers under Section 203 of the Act, has divested the petitioner of his power to sign the cheque along with the Vice President. Not even a notice was issued to the petitioner before issuing such proceedings. It was only as a consequential proceedings initiated under Section 205 of the Act, the Collector has issued the impugned proceedings divesting the petitioner of his power to sign the cheque. In any case, before divesting the petitioner of his power to sign the cheque, reasonable opportunity should have been given to him. It is not as if the moment action under Section 205 of the Act was taken against the President, he should be divested of the power to sign cheques. Section 203 of the Act is not intended for such purposes. It was only to tide over an emergency situation, power is given to the Collector under Section 203 of the Act. The said power cannot be used in an ordinary situation. In any case there was a clear violation of principles of natural justice also, as the petitioner was not given notice before divesting him of the power to sign the cheques.'*

*16. From the above decisions, it is clear that In case the village panchayat President or Executive Authority makes*



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default in performing any of the duties imposed by or under the provisions of the Act, the Inspector was given powers under Section 204 of the Act to take appropriate action. The Collector or Inspector was not obliged to use the emergency powers as a routine measure. There was nothing mentioned in Section 203 of the Act which authorises the Collector to divest the President of his cheque signing powers during the pendency of a proceeding under Section 205 of the Act. The President would be divested of his powers only in the event of an order passed under Section 205(11) of the Act. Unless and until a notification was issued under Section 205(11) of the Act, the President has to be permitted to exercise his powers as a President of the panchayat."

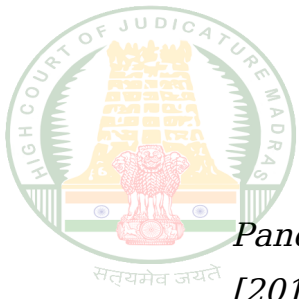
15.In yet another case of **P.Rangaraj and others v. Director/Commissioner of Rural Development and others** reported in **2024 5 MLJ 406**, a similar order has been passed and the relevant portion of the same is extracted as follows:-

"23.A learned Single Judge vide order dated 05.06.2014 in WP.(MD).Nos.2198 & 7637/2012 & 15564/2013 [N.Chidambaram Vs.The Block Development Officer, Panchayat Union] has held as follows:-

"DECLARATION OF LAW:-

25.The law is, therefore, clear that the District Collector has no power under Section 203 of the Panchayat Act to take away the cheque signing power of the President and the Vice President."

24.Again in Mrs.J.Saraswathi Vs. The Inspector of



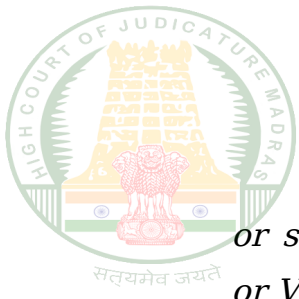
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*Panchayat/District Collector, Dharmapuri District, and Others [2015 SCC Online Mad 8024], a learned Single Judge, of this Court has held as follows:-*

*“5.As noticed above, the files do not disclose that any notice was issued to the petitioner nor the District Collector has taken a stand in the counter affidavit. In fact on a perusal of the files, the learned Additional Government Pleader also is not able to show that any notice was issued to the petitioner and an opportunity was afforded. Hence, it is held that divesting of the power is unsustainable in law.*

*6.The writ petition is allowed and the respondent is directed to restore the cheque signing power in favour of the petitioner. Further, it is open to the 1st respondent to issue fresh notice and proceed against the petitioner, if the 1st respondent is of the opinion that the same is warranted. No costs. The connected MPs are closed.”*

*25.From the examination of the provisions of the Act as well as the precedents, we have above referred to, the conclusion inescapable is that the Inspector of Panchayat enjoins a power to revoke the cheque signing authority temporarily in case the circumstances contemplated under Section 203 of the Act exist. In a case where the President or Vice President refuses to sign cheque and thereby trying to delay execution of any work or doing of any act which a Panchayat or Executive Authority or Commissioner is empowered to execute. However, in a case where there are mere allegations of misappropriation, mismanagement or other allegations which warrant the Inspector of Panchayat to take action under Section 205 of the Act, the emergency power cannot be exercised under Section 203 of the Act to withdraw*



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*or suspend the cheque signing authority of elected President  
or Vice President of the Panchayat.”*

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16.In the instant *lis* in hand, the various charges as against the petitioner, who is the Panchayat President is nothing but maladministration. In fact, there is no allegation of misappropriation at all. The various allegations and charges made which has been raised by the respondent authorities is fully attributable to the respondent authorities themselves for the sole reason that they have transferred the Village Panchayat Clerk for more than 7 times, which had resulted in several lapses in the administration of the said Village Panchayat. The said attitude of the respondent authorities for having transferred the Village Panchayat Clerk several times much to the inconvenience of the administration of the Village Panchayat, the respondent authorities are not justified in fastening liability of the mismanagement and maladministration of the Village Panchayat on the President, that is, the petitioner herein. The Collectors are empowered to invoke the powers conferred under Section 203 of the Tamil Nadu Panchayat Act, 1994, only when extraordinary circumstances prevail in the Village Panchayat concerned. However, the various charges framed by the respondent authorities are not sufficient to conclude that an extraordinary situation prevails in the Village Panchayat in question. Hence, for the allegations mentioned in the notice dated 29.07.2024 and for the various charges



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pointed out in the impugned order dated 27.08.2024, without conducting an appropriate enquiry as against the petitioner, the first respondent is not justified by invoking the powers under Section 203 of the Tamil Nadu Panchayat Act, 1994, taking away the cheque signing powers of the petitioner and handing over the same to the second respondent. Accordingly, the impugned order is hereby quashed.

17. Accordingly, the Writ Petition stands allowed. There shall be no order as to costs. In view of the same, connected miscellaneous petitions are closed.

**19.03.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
Mrn

To

1. The District Collector/Inspector of Panchayat,  
Karur,  
Karur District.

2. The Block Development Officer,  
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**L.VICTORIA GOWRI, J.**

Mrn

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